

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR19-159-RSL
Plaintiff,)	
v.)	(PROPOSED) <i>BRADY</i> ORDER
PAIGE A. THOMPSON,)	
Defendant.)	

This matter comes before the Court on Paige Thompson's motion for a *Brady* order. Having read and considered the briefing and arguments, the Court hereby GRANTS Ms. Thompson's motion and ORDERS the following:

I. Application of *Brady v. Maryland*, 373 U.S. 83 (1963)

There is no dispute that the disclosure requirements of *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *Kyles v. Whitley*, 514 U.S. 419, 437 (1995), apply to pre-trial and trial proceedings. The materiality of information that must be disclosed for pre-trial issues is linked to the factual issues that the jury must determine at trial and the Court must determine prior to trial and legal rulings that the Court makes through all proceedings.

II. Standard for Government Review and Disclosure Determinations

The government will evaluate and make its disclosure determinations as follows:
If the information is favorable to Ms. Thompson, *i.e.*, if it would help bolster her case or be inconsistent with or contradict claims made by the government, it must be disclosed to the defense. If doubt exists, it should be resolved in favor of Ms. Thompson and full disclosure made to the defense. The government must therefore disclose all information which might be reasonably considered favorable to Ms. Thompson's case, even if the information or evidence is not admissible, so long as it is reasonably likely to lead to admissible evidence or information. If the government has information or evidence that meets this standard, but the government believes that it should not be disclosed based on an assertion of privilege, it must notify Ms. Thompson's counsel that it is asserting a privilege, provide the defense with a privilege log, and submit that information to the Court for *in camera* review and a determination.

III. Distribution of the Court's Order

The Court directs that the government distribute this order to the prosecution team including those on the DOJ team.

DATED March _____, 2022

ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by,

/s/ Mohammad Ali Hamoudi
MOHAMMAD ALI HAMOUDI
/s/ Christopher Sanders
CHRISTOPHER SANDERS
/s/ Nancy Tenney
NANCY TENNEY

Assistant Federal Public Defenders

1 /s/ *Brian Klein*

BRIAN KLEIN

2 /s/ *Melissa Meister*

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3 Waymaker LLP

4 Attorneys for Paige Thompson